

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION, made as of this _____ day of _____,
by _____, [residing at]/[having a principal place of business
at]/[having principal offices at] _____,
hereinafter referred to as the “Declarant,” as owner of the premises described in
“Schedule A” annexed hereto, hereinafter referred to as the “premises”.

WITNESSETH

WHEREAS, Declarant has applied to the [Planning Board]/[Zoning Board of
Appeals] of the Town of East Hampton for approval of
_____;

and

WHEREAS, the [Planning Board]/[Zoning Board of Appeals] has determined that
such [subdivision approval]/[site plan approval]/[etc.] be granted, provided that the owner
of the premises make this Declaration setting forth certain covenants and restrictions
regarding the use of the premises; and

WHEREAS, Declarant deems it to be in the best interest of Declarant, Declarant’s
successors and assigns, and the Town of East Hampton, to impose certain covenants and
restrictions upon the use of the premises, and desires to hereby impose those covenants
and restrictions;

NOW THEREFORE, in consideration of the foregoing, Declarant hereby declares
that the said premises are now held and shall be conveyed subject to the following
covenants and restrictions:

1.
2.
3.

Declarant and Declarant's successors and assigns, shall include these covenants and restrictions in every instrument of conveyance to a grantee, vendee, lessee, mortgagee, or other person or entity acquiring an interest of whatever kind or nature in the premises, expressly subjecting the conveyance thereof to these covenants and restrictions. These covenants and restrictions, however, shall apply to and govern the use and occupancy of the premises, notwithstanding the failure to set them forth or include them in any instrument of conveyance.

These covenants and restrictions shall be construed to be in addition to and not in derogation of limitation of any relevant provisions of local, state, and federal laws, ordinances, or regulations in effect at the time of the execution of this agreement, or at the time such laws, ordinances, or regulations may thereafter be promulgated, amended or revised.

These covenants and restrictions shall be enforceable by the [Planning Board]/[Zoning Board of Appeals] of the Town of East Hampton, by injunctive relief or other remedy at equity or at law. The failure of the [Planning Department]/[Zoning Board of Appeals] to enforce the same shall not be deemed to affect the validity of these covenants and restrictions nor to impose any liability whatsoever upon the [Planning Board]/[Zoning Board of Appeals] of the Town of East Hampton or any officer or employee thereof.

These covenants and restrictions shall run with the land and shall be binding upon

Declarant, Declarant's successors and assigns, and upon all persons or entities claiming under them, and can be terminated, revoked, or amended only by [the owner of the premises]/[the owners of a majority of the lots shown on the subdivision map] and only with the [written consent of a majority plus one of the Planning Board of the Town of East Hampton, after public hearing held on ten (10) days notice]/[the unanimous written consent of the Zoning Board of Appeals of the Town of East Hampton].

If any section, subsection, paragraph, clause, phrase, or provision of these covenants and restrictions shall be adjudged illegal, unlawful, invalid, or held to be unconstitutional by a court of competent jurisdiction, that judgment shall not affect the validity of these covenants as a whole, or any provision hereof, other than the part so adjudged to be illegal, unlawful, invalid, or unconstitutional.

IN WITNESS WHEREOF, Declarant has caused this instrument to be duly executed [and its corporate seal to be affixed to] on the date and year first above written.

ACKNOWLEDGMENT

STATE OF NEW YORK)

COUNTY OF _____)

On the _____ day of _____ in the year _____, before me, the undersigned, personally appeared _____, known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

RECORD AND RETURN TO:

Town Clerk
Town of East Hampton
159 Pantigo Road
East Hampton, New York 11937